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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,542	10/01/2003	Kwyne A. Pugh	NWK1830	7666
34356	7590	07/26/2004	EXAMINER	
ASHKAN NAJAFI, P.A. 113 LAMPLIGHTER LANE PONTE VERDA BEACH, FL 32082			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/676,542

**Applicant(s)**PUGH, KWYNE A. **Examiner**

Kim Nguyen

**Art Unit**

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/1/03</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-2, 7-8, 12-13 are objected to because of the following informalities:
  - a) In claim 1, line 9; claim 2, lines 7 and 9; claim 7, line 9; claim 8, lines 7 and 9; claim 12, line 9; and claim 13, lines 7 and 9, the claimed limitation “player data” should be corrected to “said player data”.
  - b) In claim 1, line 10; claim 7, line 10; and claim 12, line 10, the claimed limitation “said plurality of” should be corrected to “each of said plurality of”.
  - c) In claim 1, line 14; claim 7, line 16; and claim 12, line 16, the claimed limitation “data” should be corrected to “said data”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-5, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US patent No. 6,102,397) in view of Levy et al (US patent No. 5,190,285).

- a. As per claim 1-4, Lee discloses an electronic game board comprising a game board (col. 3, lines 10-43); a plurality of player display panels (col. 4, lines 5-8); an output device 28 (Fig. 1) (col. 3, lines 44-58; and col. 4, lines 1-10); a plurality of game pieces 52 (Fig. 2) (col. 4, lines 39-40); means for communicating with the game pieces and for determining the data contained in the game piece and for displaying player data (col. 3, lines 44-58; and c4, lines 1-10). Lee does not explicitly disclose that the display panels are removable from the game board, and Lee does not explicitly disclose including a smart chip and a power source. However, Levy discloses including a smart chip in the game pieces (col. 3, lines 23-26). Moreover, connecting a panel to the game board removably would have been obvious, and moreover, connecting a power source to the game board would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the smart chip of Levy to the game pieces of Lee in order to track the movement of the game pieces on the game board, and it also would have been obvious to implement the display panel removably and to connecting the game board to a power source in order to facilitate replacing the display panels when the display panels go out and to provide power to the game board.
- b. As per claim 5, using interface circuit in a type of radio frequency interface device, or LED interface, etc. would have been well known to a person of ordinary skill in the art at the time the invention was made.
- c. As per claim 7-9 and 11, refer to discussion in claims 1-5 above.

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*Allowable Subject Matter*

4. Claims 6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 12-15 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose an electronic game board assembly including a dictionary means being connectable to a ports for providing data definitions and verifying data values set forth in claims 6 and 10; the dictionary means is included in the electronic game board assembly set forth in the independent claim 12.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**

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Date: July 23, 2004